

LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Legal Aid Certificate - Ottawa-Carleton

Certificate Number: [REDACTED]

Client Name: [REDACTED]

Issue Date: 6 October, 2009

Client Number: [REDACTED]

Effective Date: 6 October, 2009

End Date: 6 October, 2012

This certificate is issued without a contribution agreement at this time

- *Defence: Fail to Comply (7) , Criminal Code*
- *Solicitor to advise Area Director if cash bail in any amount posted or if cash/property of a value of \$500 or more is seized.*
- *Acknowledgement of this certificate is restricted to a member of the criminal panel.*
- *Solicitor to advise Area Director if potential fees and disbursements will exceed the limits for big case management.*
- *No change of lawyer will be allowed except in extraordinary circumstances*

I acknowledge that I have been retained by the client to provide legal aid services authorized by this certificate. I undertake to perform the legal aid services in accordance with the conditions listed on this certificate, and in accordance with the General Terms and Conditions for Panel Lawyers.

Declaration

☐ I was not retained by the client to perform services with respect to the same or any related matter before the effective date of this certificate.

OR

☐ I was retained by the client to perform services with respect to the same or any related matter prior to the effective date of this certificate, and received a total of \$ _____, on account of fees and disbursements or acting on certificate number _____.

Daniel Nugent

Lawyer's name

Date of acknowledgment

0000001633

Lawyer's signature

Solicitor number

If you do not return a copy of this signed acknowledgment within 90 days of the issue date, the certificate will expire. Return to Legal Aid Ontario at:

THE COURT: I think, on your part, it really is. I think you've seen the light of day.

MR. [REDACTED]: Yes.

THE COURT: There must have been a glow coming down from heaven.

MR. [REDACTED]: One more witness, Your Honour, just two questions, and that will be it.

THE COURT: Okay.

[REDACTED]: SWORN

EXAMINATION-IN-CHIEF BY [REDACTED]

Q. Officer [REDACTED]

[REDACTED]: The other exhibits, Mr. Clerk?

[DISCUSSION BETWEEN CROWN AND CLERK]

Q. These two boxes, and this box that I'm showing you right now, who had those boxes in their possession?

A. I did, until I turned them over to you yesterday afternoon.

Q. And when were these items taken over by the [REDACTED] the Ontario Provincial Police?

A. They were received on the 24th of August 2007, by Constable Rimmer (ph).

Q. Okay. And is that the receipt?



The Law Society of
Upper Canada

Barreau

du Haut-Canada

Direct Line: (416) 947-5234
Toll Free: 1-800-668-7380 ext. 5234
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Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Complaints Services
Client Service Centre

November 12, 2009

PRIVATE AND CONFIDENTIAL

Jason Kranz
421 Tealby Cresc
Waterloo, Ontario N2J 4Y8

Dear Mr. Kranz:

Re: Moiz Murtaza Karimjee
File No. 2009-79664

I am writing in response to your recent correspondence about Moiz Karimjee, which we received on October 22, 2009.

You have written again to our office providing us with further "evidence" regarding your matter against Mr. Karimjee. You have also provided us with the same documents you provided to us in September, which were returned to you at your request. It appears that Mr. Karimjee acted as Counsel for the Crown at your Preliminary Inquiry in 2008. At this time, it is still not clear what your concerns are about Mr. Karimjee.

The Law Society is the self-governing body for lawyers and paralegals in Ontario. The primary responsibility or mandate of the Law Society is to regulate the legal professions in the public interest according to Ontario law and the Law Society's rules, regulations and guidelines.

As stated in my letter to you dated September 21, 2009, copy enclosed, the Law Society cannot comment on your concerns in the absence of a specific complaint about a named person. If you want to file a complaint about Mr. Karimjee, please fill out the closed Complaint Form. Please include copies of any relevant documents to support your allegations about Mr. Karimjee. Do not provide us with original documents, as we cannot assume responsibility for their safekeeping or return.

-2-

As the Law Society cannot provide legal advice or legal services to the public, you may wish to consult with a lawyer in private practice about your rights and remedies in this matter. If you want, you can contact the Law Society's Lawyer Referral Service at 1-900-565-4577. The service costs \$6.00 (charged to the caller's phone bill), and entitles you to a referral with a lawyer in your area who you can consult with for up to one half hour at no charge. If you decide to retain this lawyer, the normal fees and disbursements would apply.

As the Law Society is still not in a position to be of assistance, your file will remain closed.

Mr. Karimjee will be mailed a copy of this letter, as well as the letter dated September 21, 2009, with your address removed, on November 27, 2009, unless we receive a request from you not to do so.

Yours truly,



Carla Frutuoso
Law Clerk
Complaints Services

Encls.

**Ministry of the
Attorney General**

Office of the
Assistant Deputy Attorney General
Criminal Law Division

McMurry-Scott Building
720 Bay Street
6th Floor
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Tel: 416-326-2615
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**Ministère du
Procureur général**

Cabinet du
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**NOV 09 2009**

Our Reference #: M09-07343

Mr. Jason Kranz
421 Tealby Crescent
Waterloo, ON
N2J 4N4

Dear Mr. Kranz:

Thank you for your letter to the Ministry of the Attorney General, regarding legal process complaints. I have been asked to respond to your letter on behalf of the ministry.

According to the documentation you have provided, you complained to the Ontario Civilian Commission on Police Services in August 2007, and through their auspices, thereafter to the Ottawa Police Service Professional Standards Section regarding the conduct of the complainant and witnesses in the case against you. On October 10, 2007 you were informed in writing, that an investigation into your complaints had determined that there was no evidence to sustain your allegations of improper conduct. You enclosed your October 10, 2007 letter from the OPS Professional Standards Section with your materials in support of your current complaint to this office about the same file.

From those materials, it would appear that on September 11, 2009, you also complained to the Law Society of Upper Canada about the Crown Attorney who has carriage of the case. By letter dated September 21, 2009, the Law Society informed you that they could only act on information suggesting that a lawyer has done something contrary to the Rules of Professional Conduct. Your complaint did not meet that criterion.

You have now forwarded your complaint to this ministry in the rather vague language that there has somewhere been an "abuse of the legal process, making my life miserable." You provide no details as to exactly what you are alleging and how it might be attributable to the Crown.

As you know, the preliminary hearing into the charges that you are facing took place over three days in November of 2008. The court heard from six witnesses and received numerous exhibits at that proceeding. After hearing argument from your counsel and from the Crown, the presiding

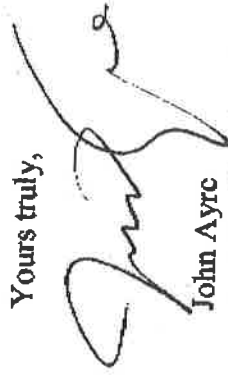
.../2

-2-

Judge found that there was sufficient evidence to merit sending you to trial for two counts of criminal harassment and two counts of uttering threats. These matters are currently scheduled to be tried over three weeks in the Superior Court commencing on February 16th, 2010.

As your case is currently before the courts, it would be inappropriate for the Attorney General or any Ministry official to comment on or become involved in these ongoing legal proceedings. Suffice it to say that to date, the Crown's assessments, arguments and actions have been made in a very public and transparent manner, on the record at the preliminary hearing. At the conclusion of that hearing, based on the evidence presented, the presiding justice agreed with the Crown's submissions and so you were committed to stand trial. There is nothing in the process that was followed, nor in your allegations, to suggest any abuse of the criminal court or its process.

Yours truly,



John Ayrc
Assistant Deputy Attorney General
Criminal Law Division

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

JASON NICHOLAS KRANZ

P R E L I M I N A R Y I N Q U I R Y

Volume 2

HEARD BEFORE THE HONOURABLE MR. JUSTICE F.A. SARGENT
On Tuesday, November 25, 2008, at OTTAWA, Ontario

CHARGES: sec.264(3) C.C.C. x 3
 sec.264(1)(2) C.C.C. x 2

APPEARANCES:

M. Karimjee, Mr.

Counsel for the Crown

D. Nugent, Mr.

Counsel for the accused

ONTARIO COURT OF JUSTICE

T A B L E O F C O N T E N T S - Volume 2

<u>WITNESSES:</u>	<u>Exam. in-Ch.</u>	<u>Cr- exam.</u>	<u>Re- Exam.</u>
PETTIS, Scott MacKenzie	15	36	--
JEHA, Constantine	70	72	--
DANYLUK, Peter	78	90	--
NOEL, Stephan	102	105	--

<u>EXHIBIT NUMBER</u>	<u>ENTERED ON PAGE</u>
A Letters of Complaint & Exoneration	35
5 Video of Phone Booth	36
6 Photo of Vehicle	83
7 Photo of Front of Vehicle	84
8 Collective Documents	90
9 Property Report of Aug. 24/07	103
10 Storage Box	104
11 Last Part of Box	111

Transcript Order Received: May 7, 2009

Transcript Completed: June 1, 2009

THE COURT: I think, on your part, it really is. I think you've seen the light of day.

MR. KARIMJEE: Yes.

THE COURT: There must have been a glow coming down from heaven.

MR. KARIMJEE: One more witness, Your Honour, just two questions, and that will be it.

THE COURT: Okay.

STEPHAN NOEL: SWORN

EXAMINATION-IN-CHIEF BY MR. KARIMJEE

Q. Officer Noel.

MR. KARIMJEE: The other exhibits, Mr. Clerk?

[DISCUSSION BETWEEN CROWN AND CLERK]

Q. These two boxes, and this box that I'm showing you right now, who had those boxes in their possession?

A. I did, until I turned them over to you yesterday afternoon.

Q. And when were these items taken over by the Ottawa...the Ontario Provincial Police?

A. They were received on the 24th of August 2007, by Constable Richer (ph).

Q. Okay. And is that the receipt?

A. That's the property report that he completed before lodging the items in the vault.

Q. Okay. And I guess this is the original and that's a copy.

A. This would be a copy. This would stay in the records.

MR. KARIMJEE: I'll request that this be marked as exhibit and that it reflect the date that it was seized.

THE COURT: Any objection?

MR. NUGENT: No objection, Your Honour.

THE COURT: Thank you. Exhibit nine.

EXHIBIT NUMBER 9 - Property Report of Aug.
24/07 - Produced and Marked.

MR. KARIMJEE: Q. This is the box as well.

A. It is.

THE COURT: Is that empty, by the way?

MR. KARIMJEE: It's empty, Your Honour.

THE COURT: Okay.

MR. KARIMJEE: All the items from there were removed.

THE COURT: I see. All right.

MR. KARIMJEE: All right.

Q. Officer, for some reason, you wanted to use to this as part of the exhibit as well.

A. It's just they were stored inside that box, under seal. And so, I offered them up in case it

became an issue. I wanted to let you know and let the Court know that's what they were contained in. And that was contained in the vault. That's it.

MR. KARIMJEE: I just going to request that this be marked as an exhibit as well.

THE COURT: Okay, the next exhibit.

THE COURT CLERK: Number 10.

THE COURT: Thank you.

EXHIBIT NUMBER 10 - Storage Box - Produced and Marked.

MR. KARIMJEE: Thank you.

Q. And you were also involved in seizing the tape from the Pioneer gas.

A. Yes, sir. I was.

Q. Thank you very much.

MR. KARIMJEE: Those are all the questions I have.

THE COURT: Thank you.

CROSS-EXAMINATION BY MR. NUGENT

Q. Sorry. Was that Constable Noel or is it...?

A. Detective Constable Noel.

Q. Detective Constable, okay. Can I call you Officer Noel or do you prefer Detective Constable?

A. Detective Constable's fine.

Q. Detective Constable?

A. Thank you.

Q. Okay. So, I understand you were the one who seized the package in question, the boxes and whatnot.

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A. No, sir.

Q. Okay.

A. I was assigned to the investigation on the 1st of November 2007.

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Q. Okay.

A. The responding uniform patrol officer was Constable Richer.

Q. Okay.

A. And he's the one that received the box from Mr. Pettis.

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Q. Okay. So, you took custody of the box from?

A. The vault.

Q. From the vault, okay. And do you have knowledge of what happened to the packaging in terms of what tests were run on it?

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A. I don't have technical knowledge of it. I do know, just as in common knowledge as a police officer, that it was chemically treated.

Q. Okay.

A. For fingerprints.

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Q. Okay.

A. And that that yielded negative results.

Q. Okay. Now, when you say "it was", we've heard some evidence today that there was a box within the box.

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A. That's correct. I opened the box yesterday and that's what I saw, a box within a box, and a smaller box within that.

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Q. Okay. So, three boxes, were all three boxes tested for fingerprints or just the one?

A. I couldn't tell you. I didn't conduct those examinations myself, that was done by our identification unit.

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Q. Okay. What about any tests with regards to foreign agents that might be hazardous?

A. To my knowledge, there was no such tests conducted.

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Q. No such tests conducted, okay. Now, did you attend the Pioneer gas station with, I think, it's Detective Constable Pettis?

A. I did. I did.

THE WITNESS: If I may refer to my notes, Your Honour?

THE COURT: Any objection from counsel?

MR. NUGENT: I don't have any objection.

MR. KARIMJEE: No.

THE COURT: Go ahead, Detective Constable.

THE WITNESS: Thank you.

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A. It would've been on the 2nd of November 2007.

MR. NUGENT: Q. Okay. Now, did you assist with the phone trace to that...?

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A. No, I had nothing to do with that. My involvement, if I may give the Court a little bit of background, I was essentially advised that I would be

taking over the investigation into this box having arrived at Mr. and Mrs. Pettis's residence, because that address is in our jurisdiction.

Q. Okay.

A. I had some knowledge from my supervisor that there was an ongoing...that there had been previous incidents involving military police in different jurisdictions.

Q. Okay.

A. And that now there was some calls that were being made.

Q. Sorry?

A. There were some calls being received by the complainants.

Q. Okay.

A. I was asked to basically look at the overall investigations that went on, because they were in different jurisdictions, and see whether there might be a pattern of criminal harassment going on.

Q. Sure. Now, when you attended the gas station, you were able to ascertain which phone booth the calls were made from, correct?

A. That was already...that was information that was already established. And when I received a call, Constable Pettis telling me that there was...that there would be a call that he would've received, it was an indirect receipt of information through my supervisor. There had been other calls, one including a death threat.

So, at that time, I was involved in the writing of a search warrant for a handgun. That went on all night. The following day I made contact with Mr. Pettis.

Q. Sorry, you were...?

A. This is on the 1st, the 1st of November.

Q. Right. A warrant for a handgun, what...?

A. In a different unrelated case.

Q. All right, sir.

A. A completely unrelated case.

Q. Okay.

A. So, I was up all night.

Q. Sure.

A. The following morning, I executed a warrant. And on the second, I attended...I made contact with Mr. Pettis.

Q. Right.

A. And we convened to meet on Ogilvie, at Pioneer gas station.

Q. Okay.

A. I believe it was close to Cummings Avenue.

Q. Okay.

A. When I got there, Mr. Pettis says this is the wrong...this is the wrong gas station.

Q. Okay.

A. And we ended up going to 2160 Ogilvie, which is at the corner of Blair and Ogilvie.

Q. Okay.

A. There's a Pioneer gas station there.

Q. Okay.

A. And in speaking with Mr. Jeha, who's the owner or manager, he took us to where the security camera set-up was, recordings. And we viewed the video there.

Q. Okay. You viewed the video. So, did you...? When you got to the right gas station, was there more than one phone booth? Or were you able to ascertain which phone booth was the right one?

A. There was.... I think it was a couple of phone booths, by memory. But what we did is we tried to look and see whether there's any video security equipment that might encompass that, pan to that.

Q. Okay.

A. And there was some cameras set up for drive-offs or people that drive off without paying from the pumps. And it's just further north from that set-up. Like from where the gas pumps are, it's further north. So, basically, we just looked at the camera and looked at its potential line of sight.

And then, we said, can we check your security equipment for approximately this time to see whether or not we may see a vehicle or a person go into a phone booth? And that's what we did.

Q. Okay. So, you didn't necessarily ascertain which phone booth. It was just there's a

security camera that's covering both phone booths. So, let's just get the tape for that.

A. Yeah, I remember going to the phone booth and looking. But as far as confirming that that phone was that number, to me that was a given. Constable Pettis had already established that, and I wasn't questioning. I had no reason to question that.

Q. Okay.

A. That was information that he'd received from his service, I believe. So, it was a given, to me. This is the right phone. This is the right phone booth.

Q. Okay.

A. We looked to see if there might've been any potential evidence that might've been visible to us. I've gone to break and enters where people leave driver's licences behind, should you be so lucky. There was nothing obvious to us. So, my focus was more on getting video. If it was a possibility that we had video, then let's get video.

Q. Okay. And lastly, were any tests done on the phones themselves, like a fingerprint lifted from either of these phones?

A. Not by the OPP, that's for sure.

Q. Not by the OPP.

A. No.

Q. Okay. Thank you very much. That was enlightening.

MR. NUGENT: Thank you, Your Honour.
Nothing further.

THE COURT: Any re-exam of this officer?

MR. KARIMJEE: No. I believe the only thing I need to do is I think that's the other part of the box that still remains.

THE COURT: Okay. We'll make that another exhibit.

MR. KARIMJEE: Thank you.

THE COURT CLERK: Exhibit number 11.

THE COURT: Thank you.

EXHIBIT NUMBER 11 - Last Part of Box -
Produced and Marked.

THE COURT: Thanks, Detective Constable.
You're free to go, sir.

THE WITNESS: Thank you. Thank you, Your Honour.

MR. KARIMJEE: That's the Crown's case, Your Honour.

THE COURT: Okay.

MR. NUGENT: Your Honour, if it pleases the Court, I would request to adjourn until tomorrow to make submissions. I'd have a chance to review my notes before I make my submission. I don't know if my friend is contrary minded.

THE COURT: Yes, I have no problem with that. Do you wish your client to receive the preliminary warning at this time or

would you prefer to have that in the morning? It's up to you.

MR. NUGENT: We could do it now, Your Honour.

THE COURT: Mr. Clerk, would you give the preliminary caution to the accused? Do you know what I'm speaking about?

THE COURT CLERK: I'm sorry, Your Honour. I'm not aware of which caution that would be.

THE COURT: It's the warning that you give to an accused after the Crown's evidence is in with respect to a preliminary hearing. What is it, 572?

MR. KARIMJEE: I'm not sure of the exact section. I can look that up, Your Honour.

THE COURT: As soon as you find it, I'll do it for you.

[DISCUSSION BETWEEN THE COURT AND CLERK]

THE COURT: Yes, it's 541. Would you come forward please, Mr. Kranz? I just want to make sure that we've arraigned the accused on the ones that I think we arraigned the accused on. And that is, counts one, three, four, and five. Is that correct?

MR. KARIMJEE: I think they were all the counts on that one information.

THE COURT: All the counts?

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

JASON NICHOLAS KRANZ

P R E L I M I N A R Y I N Q U I R Y

Volume 1

HEARD BEFORE THE HONOURABLE MR. JUSTICE F.A. SARGENT
On Monday, November 24, 2008, at OTTAWA, Ontario

CHARGES: sec.264(3) C.C.C. x 3
 sec.264(1)(2) C.C.C. x 2

APPEARANCES:

M. Karimjee, Mr.

D. Nugent, Mr.

Counsel for the Crown

Counsel for the accused

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T D P O

And from there, Detective Noel managed to extract an image of a vehicle pulling up, at the time the call was made, and a person coming out and making the phone call from there.

Q. And you've seen this video?

A. I've seen it.

Q. Okay. Are you able to make out who the person is?

A. I wasn't able to, no. But the vehicle's very distinctive though. The vehicle was a distinctive vehicle.

At that point...at that point, Detective Noel did not really want me to get further involved, 'cause I'm a victim, but I'm a police officer, you know. So, he was...he was dealing with most of the majority. Like he seized the video and whatnot.

THE COURT: Will there be any further evidence involving this videotape, which might help to identify anybody in that videotape?

MR. KARIMJEE: No, there's no identification of the person. We're not able to. It's not clear enough to be able to identify the person.

THE WITNESS: Even if so, like I said, I'd never met the accused before in my life. I've only seen a picture.

THE COURT: What about the vehicle, which apparently, I think I've heard, was kind of unique?

MR. KARIMJEE: I can...I can follow up on that, Your Honour.

THE COURT: You don't have to follow up. I just want to know whether you did follow up on that or whether your police officers did.

MR. KARIMJEE: It was. It is. It is a question that I'm going to go into. But it's not something that is...it's not something that's going to be the "fingerprint", if I may put it that way.

THE COURT: Okay. Did you get a plate number off it?

THE WITNESS: No.

MR. KARIMJEE: No.

THE COURT: No. All right. Was the phone booth checked or the phone checked for fingerprints and/or DNA?

MR. KARIMJEE: No. I can advise, and I stand to be corrected, that no, they were not checked for fingerprints or DNA purposes.

THE WITNESS: Yeah, I know I didn't do that. I don't believe Detective Noel would've done that. It wouldn't be common practice for a cell phone...sorry, for a payphone.